Summary
Wetland Mitigation Banking Advisory Team
August 12, 1999 Meeting

Advisory Team Members Present: Merri Erickson, WA Cranberry Alliance; Jodi Walker, Building Industry Association of WA; Jennifer Thomas, King County; Sono Hashisaki, Springwood & Assoc.; Bob Zeigler, WDFW; Ron Shultz, National Audubon; Steve Erickson, WA Native Plant Society; Rachel Friedman (for Nancy Brennan-Dubbs, USFWS), NMFS; Kevin Noon, Critical Habitats Inc.; Barb Aberle, WSDOT; Gail Terzi, USACE.

Advisory Team Members Absent: Kathy Combs, WA Wetlands & Mitigation Co.; Lynn Micheau, Grays Harbor Economic Development Council; Gilbert Alvarado, City of Moses Lake; Paul Roberts, City of Everett; Tony Bynum, Yakima Nation; Joe Mentor, Lasher Holzapfel Sperry & Ebberson.

Ecology Staff Present: Lauren Driscoll, Patricia Johnson.

Other Interested Parties Present: Dean and Del Swanson, Farmers; Bill Lewallen, Snohomish Co. Airport; Key Baldwin, Shoalwater Bay Tribe; Charlie Karustis, Foster Wheeler Environ. Corp.; Heather Roughgarden, WSDOT; Julie Keough, Weyerhaeuser; Linda Storm, EPA; Brian Perleberg, Northern Resource Consulting; Geoffrey Thomas, City of Redmond; Pete Snook, Metro Corp.; Bob Anderson, David Evans & Assoc.; Lennie Rae Cooke, Pacific International Engineering; Bob Kessler, Foster Wheeler Environ. Corp.

Meeting Materials: August Agenda, Draft July Meeting Summary, July Federal Sub-committee Meeting Notes, Use of Credits Outline, Examples of Fee Authority Paper, July 30 DRAFT Rule Language Chapter 173-700 WAC.

Opening Announcements
Lauren Driscoll began the meeting by asking the team if they had any changes to make to the Draft July Meeting Summary. No changes were mentioned. The July summary was deemed okay and will be finalized.

Driscoll stated that there were copies of the July federal sub-committee meeting notes available. She also summarized the meeting, indicating that the federal sub-committee is in the process of working on a Memorandum of Agreement (MOA). The sub-committee focused on sections of the MOA regarding the role of the mitigation bank review team (MBRT); and the review and commenting procedures for the prospectus and draft bank instrument stages of a bank proposal.

Driscoll clarified that the September meeting will be on Thursday, September 9, 1999 at the Dept. of Ecology Headquarters in Lacey.

Use of Credits
Lauren Driscoll introduced the Use of Credits Outline by mentioning that the debit end of the process had not been specifically addressed thus far. She stated that the legislature intended that

bank credits would be used for only unavoidable wetland impacts. Driscoll then outlined the areas in Chapter 90.84 RCW and the Federal Guidance that specifically mention or allude to the requirement that mitigation sequencing must occur prior to the approval of use of bank credits for a wetland impact.

Recognizing the legislative and statutory intent, how should the rule address this and what should be discussed in the guidance document? It was stated that the rule should identify that bank credits are only available for unavoidable impacts. Driscoll mentioned that this was currently addressed in WAC 173-700-607 as a credit tracking requirement to provide documentation of sequencing before the withdrawal of available credits as mitigation for the impact. Section 303 requires that permitting agencies must demonstrate that sequencing has occurred prior to approving bank credits as mitigation for an impact. Driscoll explained that the guidance document, rather than the rule, would address requirements that apply specifically to Ecology. For example, banks should be of like kind and in close proximity when used to compensate for impacts to estuarine wetlands, instances when on-site mitigation would not be practicable, and when bank credits would be environmentally preferable to use.

Advisory team comments are as follows:

- It was suggested that the rule address that estuarine impacts should not be mitigated in a freshwater bank. Freshwater impacts may be mitigated in an estuarine bank, however, and the rule should not prohibit this. It was responded that this would be explicitly stated in the guidelines.
- A team member disagreed with having the permitting agencies demonstrate sequencing to Ecology. There was concern that Ecology would have to approve the permitting agencies sequencing, and that the permitting agency would have to wait to receive Ecology's approval. Ecology stated that there would not be an approval process since Ecology does not have the staff to do this. There was still concern that this would cause a delay for a developer.
- A team member stated that if the rule requires sequencing it will happen and it doesn't have to be demonstrated for Ecology's perusal.
- A team member questioned if Ecology had any enforcement abilities regarding sequencing.
- It was stated that the rule doesn't need to add an additional process into permitting. It will only add delays.
- It was suggested that the term "demonstration" or "documentation" needed to be defined. If this meant a letter indicating that a permit applicant had gone through sequencing, then this should be clarified. It was stated that even if this meant a one-line letter it would mean more work for a local jurisdiction. Ecology clarified that it wanted to see that sequencing for the impact had occurred.
- A team member stated that the state process is inconsistent with the federal process. Applicants for a federal Corps permit must go through the National Environmental Policy Act (NEPA) which requires that the applicant do an off-site alternatives analysis. It was commented that this was a big, time-consuming process. The state, under SEPA, does not require this.
- It was stated that the statute is clear about requiring that sequencing occur prior to using bank credits for an impact.
- A team member suggested that the bank sponsor assume responsibility for ensuring that sequencing occurs prior to selling credits for an impact.
- A team member clarified that not all local jurisdictions require mitigation sequencing. Some jurisdictions have determined that compliance with their critical areas ordinance is sufficient for minimizing environmental impacts and do not require additional SEPA review.

- It was stated that if there is no required documentation that sequencing has occurred prior to the use of bank credits, then local citizens have no process of appealing use of bank credits for avoidable impacts. Currently, the only appealable process is through the Administrative Procedures Act requirements.
- It was questioned what would the level of documentation be and what form would documentation be in. It was also questioned what would happen if sequencing was not followed. Ecology clarified that the documentation would be for a ledger and auditing purposes. No approval would be required.
- It was stated that the local agencies are the gatekeepers. Developers must go to local regulators to request that a bank be used for mitigating their impacts. The regulators will either approve this or deny this. What form does this take? Would a phone call to Ecology be sufficient to document that sequencing occurred? Ecology stated that the form of documentation was open for discussion. Ecology just wanted to know that sequencing occurred.
- A team member pointed out that unavoidable needs to be defined. For example, does unavoidable mean avoiding all of the impact? part of the impact? Sequencing requirements are different in different jurisdictions. How will this be addressed?
- It was stated that whatever process Ecology requires to assure that mitigation sequencing occurs, it must be consistent with the local SEPA process. It was responded that this assumed that the local jurisdiction followed SEPA.
- A team member reiterated that Ecology must require that sequencing occur, otherwise there is a great potential for abuse of mitigation banks by allowing impacts to occur just because it is convenient to mitigate in a bank.
- It was stated that the SEPA process provides an option for appeal. Ecology should use SEPA language.
- A team member stated that local regulators should not have the burden to prove sequencing. The project applicant must have some document to show that sequential mitigation of the impact occurred. If the applicant wants to use a bank for mitigation, the applicant should provide the bank sponsor with the documentation. The bank sponsor should then be responsible to demonstrate that sequencing for an impact occurred prior to withdrawal of credits.
- It was reiterated that no one wants to create an extra process, but there must be some evidence that the required sequencing occurred.
- A team member mentioned that for Corps permits, mitigation sequencing does not even begin until after the alternatives analysis is done. It was suggested that guidance should identify that Ecology is not required to find off-site alternatives, but the Corps is, and this permit (Section 404, Clean Water Act) generally requires the most time for approval.
- A team member stated that the reason RCW 90.84.040 was separated from RCW 90.84.050 is because that statute wanted to preserve Ecology's sequencing authority without requiring other state and local agencies to do the same.
- A team member stated that the bank sponsor should not have the responsibility to demonstrate of document sequencing for impacts. This would put the banker in a regulatory role. The team member strongly advised against this, as it would appear that the bank sponsor was advocating the impacts to sell credits.
- A team member suggested that the project applicant responsible for the impact should be responsible to demonstrate sequencing.

<u>Public Comments</u>

Comments from the audience are as follows:

- It was recommended that the project applicant be responsible for documenting sequencing.

- It was suggested that if the permit applicant maintained adequate documentation of sequencing, then it would avoid redundant requirements.
- An audience member stated that it is not the bank sponsor's job to police sequencing. Rather, the local jurisdiction should sequence and approve the impact. It was suggested that the rule should indicate that if the impact was approved by the permit agency that it thereby meets the requirements for unavoidable. Let the bank sponsor document that the impact has been approved (prior to withdrawal of credits).
- It was commented that the level of comfort with that option was low since some counties and local jurisdictions may not require sequencing.
- It was suggested that in the guidance document reference to the SEPA process be inserted such that in order to use mitigation bank credits, a SEPA checklist must be completed. This is a natural part of most local permit applications so it would not be an extra process. For those projects that are exempt from SEPA, a decision should be made whether or not to allow those projects to use bank credits for mitigation of impacts. If the project is exempt under SEPA, how would sequencing be done? or would mitigation bank credits be categorically excluded as mitigation for these projects? Or in the rule there could be a provision that categorically exempt projects under SEPA must still have sequencing if use of bank credits are proposed.
- An audience member suggested that the local/state/ and federal processes should all be tied together regarding sequencing. It was suggested that if an alternatives analysis was necessary, that banks should be considered an alternative at the same time. It was responded that the alternatives analysis is different from mitigation options. It was clarified that the alternatives analysis is to determine if there are any practicable alternatives for the project, including other site locations.

<u>Advisory Team</u>

Advisory team comments continued as follows:

- A team member suggested striking section 303 of the draft rule Chapter 173-700 WAC.
- It was stressed that it should be the applicant's responsibility to comply with the law that requires sequencing. It was responded that sequencing is <u>not</u> required under law in some jurisdictions.
- It was stressed that the permitting agencies should make sure that sequencing has occurred.
- It was commented that 90.84.050 RCW does not give Ecology the authority to review sequencing for other jurisdictions. It was suggested that section 303 be deleted, but if it has to be there, the language should be changed: not "demonstrate" but "document that impact has been approved".
- Another suggested language change to section 303 of the draft rule was that the permit applicant is responsible to demonstrate that sequencing occurred. Also, demonstrate must be defined, i.e. what a demonstration entails.
- It was suggested that section 303 should remain, but Ecology should enhance the rule to identify what is required of the permitting agencies. The permitting agencies could then put the responsibility for providing sequencing information on the applicant.
- It was stated for those people that were concerned that demonstrating sequencing would increase permitting time that Endangered Species Act (ESA) considerations would increase the permitting time inordinately.

At this point Ecology took a series of votes. How many team members were in favor of striking section 303 of the draft rule? 5 were in favor, 4 were against striking. How many team members were in favor of rewording section 303 to put the burden of demonstrating sequencing on the permit applicant? 8 were completely in favor and 2 more were in favor of this if the section was

not going to be struck. How many team members were in favor of rewording section 303 to documenting that the impact had been approved (a permit number) by whomever, whichever requires the sequencing? 3 were in favor, 4 were against this proposal.

A team member mentioned that in counties that did not require sequencing, if the banking rule does require sequencing, then a permit applicant would be better off doing their own concurrent mitigation. That way the applicant would not have to go through sequencing. Requiring sequencing would therefore be putting banking at a disadvantage in those jurisdictions.

Fee Authority

Patricia Johnson briefly discussed the Examples of Fee Authority in Washington Statutes paper. She mentioned that the paper identified how fee authority language could be added to RCW 90.84. Johnson, however, recommended to the team that legislative action to insert such language should wait until wetland banking had a track record, thereby allowing Ecology to determine what costs it was incurring in processing certifications. This would give Ecology a better idea of the specific certification fees to recommend. When that time arrives, Ecology would ask for support from the team in approaching the legislature.

Draft Rule Language

Lauren Driscoll outlined how the discussion of draft rule language would be structured. Each team member received three votes for their priority sections to discuss. While the team was casting their votes, Driscoll reviewed the current rule making timeline. She identified August, September, and October as meetings to discuss rule language and get it to a level that everyone could live with. Then, by the end of October or beginning of November final draft rule language would be submitted for public comment and public hearings. If the discussions of informal draft rule language is did not go that quickly, then final draft rule language would probably not out for public comment and hearings until after the holidays, around January 2000.

The advisory team's priority discussion list is as follows:

Section 603 – Determination of Credits
Section 604 – Release of Credits
Section 601 – Service Area
Section 302 – Mitigation Bank Review Team (MBRT)

Driscoll asked the audience if they had any topics to add, but the public was comfortable with the priorities of the team.

Section 603 Determination of Credits

The subsections of concern in section 603 were identified to be:

603(3) – Preservation of wetlands or associated uplands…
603(4) – Credit conversions.
603(7) – Buffer areas and upland habitats…
603(8) - …alternative method to determining credits…

603(8). A team member suggested that the first five words of the subsections be struck, and the subsection be changed to read, "An alternative method to determining credits may be proposed so long as…" The remainder of the subsection will stay the same. There was no objection to this change.

603(3). There were three concerns in this subsection. They are as follows:

- "high quality system" should be defined in the rule, or provide examples and criteria for determining when a site is a high quality system in the guidance document. Examples to be included in the guidance were ecologically unique systems and rare, historically present wetlands.

It was proposed that "high quality system" be left in this subsection and defined through examples and criteria in the guidance document. 10 were in favor, 1 deferred.

- It was suggested that the words "at risk" be inserted just after the "high quality system" language. It was suggested that language from the federal guidance regarding preservation only be added as well.

A team member stated that all landowners of wetlands of a certain type are required to preserve, so why should they get credit?

It was proposed that the subsection should read, "providing that the area proposed for preservation is a high quality system critical for the health of the watershed or basin, and is at risk such that it is under demonstrable threat of loss or substantial degradation due to human activities that might not otherwise be expected to be restricted." All team members present were in favor of this.

- A team member suggested that reference to the preservation of uplands to generate credit should be struck from the rule.

It was stated that by providing credit for uplands a net loss of wetland acreage would result. It was responded that by preserving uplands in a wetland there may not be a net loss of wetland function, but rather a net gain of wetland functions. It was therefore suggested that the language regarding uplands be left in the rule.

A team member commented that the rule should not encourage the destruction of high quality (forested) upland buffers just to gain credits for doing enhancement later. It was responded that currently there is a 50-ft no cut regulatory buffer to preserve riparian wetlands. This upland would therefore not be at risk. It was suggested that credit could be given for preservation of additional area beyond this.

It was proposed that the upland preservation language remain in the rule unchanged. 9 were in favor of the proposal, 1 disagreed, 1 deferred.

<u>Public Comment</u>
Public comment on the above mentioned points in section 603 were that "high quality" should be defined in the rule, unless the public is allowed to comment on the guidance document. It was responded that the public would be able to comment on the guidance document.

603(4) and (7). Credit conversion rates. There were a couple of concerns in these subsections.

- Preservation in (4)(d) and (7). It was suggested that the range for preservation of wetlands, buffers, and uplands be changed from 1:5 –1:20.

Team member comments on this issue are as follows:

- It was suggested that the range should be tightened to 1:5 – 1:10, or it be expanded to 1:2 – 1:20. It was stated that the WSDOT MOA awards 1:5 – 1:10 for preservation. Bringing the rate range down from 1:20 to 1:10 (1:5 – 1:10) would increase the predictability of the rule.
- A team member stated that 1:5 is not enough of an incentive to preserve forested wetlands that could be logged for greater profit and then be enhanced (replanted) at a 1:2 enhancement rate. It was stated that the break-even point, economically, would be 1:3. Giving a 1:2 rate would be an incentive to preserve.
- A team member questioned how it would be determined whether a site would get 1:5 or 1:20 without being arbitrary. It was suggested that the team would need to see guidance language on this.
- It was stated the Corps has allowed a 1:2 replacement ratio for impact to preservation acreage in certain circumstances, e.g. estuarine. It was responded that the banking rule does not address replacement ratios and it cannot influence them.
- A team member suggested that a caveat be placed in the rule that the MBRT could recommend by unanimous decision that the conversion rates could go higher or lower than the specified range in special circumstances.

It was suggested that the section 603 (4) specify that the rates identified are for wetland only, while section 603 (7) should specify that the rates identified are for uplands only. There was some disagreement about this separation. Some team members felt it was unnecessary. It was stated that the WSDOT mitigation bank contains upland riparian, some preservation of wetland, some preservation of uplands, and some restoration, and because many banks will be a similar combination, the conversion rates should not be separated. One team member suggested removing conversion rates from subsection (7). A team member stated that buffers and uplands should not generate credits.

It was proposed that the rule clarify that the conversion rates in 603 (4) is for wetlands only and the conversion rates in 603 (7) be clarified as being for non-wetlands only. All team members present unanimously supported this clarification.

Team member discussion of preservation conversion rates continued as follows:
- It was suggested that the credit conversion range for preservation of wetland areas should be 1:2 – 1:10. This would provide as much incentive as possible to preserve ecologically sound habitats. It was acknowledged that this would compromise flexibility for predictability.
- It was questioned whether preservation only banks should go as low as 1:10 (as opposed to 1:20). In response to this, more guidance was requested to determine when 1:20 would be appropriate.
- It was suggested that for preservation in combination with restoration and/or creation the rate range should be 1:5 – 1:10.

Public Comments:
Public comments on credit conversion rates are as follows:
- A member of the public mentioned that at the July 22, 1999 advisory team meeting the rates were recommended to be 1:1 – 1:2 for restoration, 1:3 – 1:10 for creation, 1:3 – 1:10 for enhancement, 1:2 – 1:10 for preservation, and 1:2 – 1:10 for buffers and uplands. It was questioned why these rates were not reflected in the draft rule.
- An audience member mentioned that the conversion rates will reflect the philosophy of mitigation banking that the rule wants to espouse, whether it wants to take a putative approach or an incentive approach. If the rule wants to reward success then restoration, creation, and enhancement would only be granted a 1:1 rate once the bank has attained self-

sufficiency. Using a putative approach of granting 1:5 for creation that appears risky almost ensures failure, because it assumes the project will be less than successful. It was suggested that section 603 should have an additional subsection that addresses conversion rates being 1:1 for all mitigation activities once the bank is fully functioning.

- It was suggested that the conversion rates for preservation only banks should be 1:5 – 1:20, while banks that integrate preservation with creation and/or restoration should have a rate range of 1:2 – 1:10.

It was proposed to the advisory team that preservation as stand alone mitigation should be separated from preservation integrated with restoration/creation. 9 team members were in favor of this separation, and 2 members were opposed to the separation.

- A team member questioned why preservation in conjunction with creation/restoration should get a better conversion rate. It was responded that preservation integrated with restoration/creation would not result in a net loss of wetland acreage. Once as part of the bank, the whole thing would be protected via the legal mechanism identified and accompanying the bank instrument.

603 (4). It was proposed that wetland preservation in conjunction with restoration and/or creation should have a credit conversion rate range of 1:2 – 1:10. All team members present were in favor of this.

Regarding a conversion rate proposal for preservation as a stand-alone of 1:5 – 1:20, it was commented that this was not enough of an economic incentive. It was stated that an economic study indicated that 1:3 would be necessary to break even financially. It was also suggested that for preservation as a stand alone, language from the federal guidance regarding when this would be appropriate should be added in the rule or in guidance.

Team comments on conversion rates continued as follows:

- A team member stated that if 1:2 is in the rule for preservation, then every time a preservation only bank is proposed the sponsor will want the 1:2. It was responded that this would depend upon what the guidance language or criteria would be. It was stated in response that regardless of how 1:2 would be defined in the rule or in guidance, there would be the potential of political pressuring to get 1:2 approved more often than for just exceptional cases. A team member commented that it would be the MBRT's decision, and political pressuring would not be effective on every member of the MBRT.
- It was suggested that the rule could state that a rate of 1:2 would be applied only in exceptional circumstances. "Heritage criteria" was suggested as a possible definition for use in the guidance as to when a rate of 1:2 would be appropriate for preservation only.
- Ecology stated that it was unlikely the department would support a rate of 1:2 for preservation only. Ecology suggested that the discussion be tabled until Ecology staff could meet to discuss this option.
- Ecology identified two potential options to consider for this issue. 1) Have rate at 1:2 and include specific criteria in rule language for what would constitute a preservation only site high quality enough to warrant that high of a conversion rate. Or 2) leave the rate at 1:5 and add a caveat in the rule that the MBRT may determine by consensus that in exceptional circumstances (defined in guidance) the rate may go higher or lower than the specified range.

603(4).

- Conversion rates for wetland creation (b). It was suggested that the rate range be lowered.

Team member comments on creation conversion rates are as follows:

- A team member stated that 1:1 could result in a net loss of wetland functions and acreage. If the creation is a high-risk project it might not be successfully functioning when credits are released. A high end rate of 1:3 was suggested.
- It was mentioned that a creation rate of 1:1 was so high that it would be an incentive to create wetlands where an upland buffer or hummock previously existed and could have been preserved or enhanced. A range consistent with upland preservation was suggested.
- A team member stated that 1:1 – 1:3 is good as is. The range is based on the MBRT's confidence with the design and performance standards. The MBRT still has to make a recommendation to approve. And if it is successful it is a net gain of wetland acreage. It was responded that there would be pressure from the bank sponsor to release credits before the creation was proven successful.
- A team member pointed out that lowering the rate because of a fear of failure was a putative approach. It was pointed out that concurrent mitigation allows 1:1 creation after the impact has occurred, so why penalize banking.
- Ecology stated that if the MBRT is not confident that the creation will be successful then credits might not be released until hydrology was demonstrated on the constructed site. In addition, greater financial assurances might be required. It was stated that the Oregon banking system has a rate of 1:1.5 to start with for creation, but once a site is successful the remaining credits go to 1:1.
- It was questioned how Ecology was giving priority to restoration, as the statute requires when the rule could award 1:1 for creation as well. It was stated that sponsors should not be given an incentive to do creation, as it normally does not work unless it is connected to a pre-existing wetland. It was suggested the low end conversion rate for creation should be 1:10, with a range of 1:3 – 1:10 for bad creations. It was also suggested that pre-release of credits should not be allowed for creation credits. It was suggested that a 1:1 rate might be possible if the bank was willing to wait five years, until the site was proven successful, for a release of any credits.

Public Comments:

Public comments on creation conversion rates are as follows:

- An audience member commented that a rate of 1:1 for creation was inappropriate when on the whole it does not work well. A range of 1:3 – 1:10 was suggested.
- It was stated that banking is not meant to change the way concurrent mitigation is done. Banking should not be penalized for what is wrong with concurrent mitigation, e.g. failed mitigations.
- An audience member stated that without an early release of credits a developer might as well stick with on-site concurrent mitigation, because the mitigation would get a better rate for creation.
- Ecology emphasized that the rule should not penalize successful creation nor should it reward failed creation. Ecology questioned the team whether they believed that there were enough safeguards in the rule to allow a high confidence project a 1:1 rate.
- It was questioned whether the guidance document would include criteria for when and how creation would warrant a 1:1 rate. It was suggested that the guidance should include criteria indicating when 1:1 would be appropriate for creation.

- It was suggested that 1:1.5 be used for creation, and when the site is successful convert unused credits to 1:1.
- It was mentioned that banking should look like a better option otherwise it will be hard to argue banking over on-site concurrent mitigation.
- It was suggested that enhancement and preservation should have conversion rates that are more consistent, as was discussed at the July 22, 1999 advisory team meeting.

It was proposed that the high end creation conversion rate be 1:1 with criteria in guidance regarding when this would be appropriate. 10 team members were in favor, and 1 team member opposed this proposal.

It was proposed that the low end creation conversion rate be 1:5. All team members present were in favor of this. Therefore, the creation conversion rate range will be amended to 1:1 – 1:5 with guidance indicating how the 1:1 should be applied.

It was further decided to disregard the idea of converting creation rates once the project was proven successful.

The next Wetland Mitigation Banking Advisory Team Meeting will be held **Thursday, September 9, 1999 from 9 a.m. to 3:30 p.m. at the Ecology Headquarters in Lacey**.

A meeting for October has been scheduled for Thursday, October 7, 1999 for the Ecology Headquarters in Lacey.

Re-cap of Decisions Made by the Team Regarding Chapter 173-700 WAC

173-700-603(8). A team member suggested that the first five words of the subsections be struck, and the subsection be changed to read, "An alternative method to determining credits may be proposed so long as…" The remainder of the subsection will stay the same. This was a unanimous decision.

173-700-603(3). "High quality system" will be left in this subsection and defined through examples and criteria in the guidance document. In addition, the words "at risk" accompanied by the federal guidance language regarding preservation only will be inserted just after the "high quality system" language. This was a unanimous decision.

173-700-603(4) & (7). The rule will clarify that the conversion rates in 603(4) are for wetlands only and the conversion rates in 603(7) are for non-wetlands only. This was not a unanimous decision; 2 members dissented.

173-700-603(4). Preservation as stand alone mitigation will be separated from preservation integrated with restoration/creation. The rate for preservation in conjunction with restoration/creation will be 1:2 – 1:10. This was a unanimous decision.

173-700-603(4). The creation conversion rate will be 1:1 – 1:5 with guidance indicating how the 1:1 should be applied. One team member dissented with the 1:1 rate as the high end, however, the 1:5 rate as the low end was unanimously supported.